

May 11, 2018

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: ***Promoting Investment in the 3550-3700 MHz Band***
GN Docket No. 17-258

Dear Ms. Dortch:

Key Bridge Wireless and FairSpectrum, two of the prospective Spectrum Access System (“SAS”) administrators for the Citizens Broadband Radio Service (“CBRS”), write to emphasize that using census tracts for licensing the Priority Access License (“PAL”) tier presents no technical issues in the design and implementation of our respective SAS and will not delay our ability to have our SAS in place when the Commission authorizes PALs.

We respectfully request that the Commission preserve a meaningful number of PALs in every area at the census tract level to promote innovation in the band and competition among multiple use cases that we believe will emerge.

In 2015, the Commission adopted its Part 96 rules and decided, based on the record, to auction PALs at the census tract level.¹ The Commission reasoned that “census tracts are the appropriate middle ground among the competing proposals developed in the record” and are sufficiently granular to promote intensive use of the band and are large enough, either on their own or in aggregate, to support a variety of use cases, including small cell base stations and backhaul.”² Based on this decision and their business and technical capabilities, at least 11 entities have applied to the Commission to become certified SAS administrators.³

¹ See *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, 30 FCC Rcd 3959 (2015).

² *Id.* at 3993. The Commission refined its rules in 2016 to establish PAL Protection Areas as the areas that the SAS will protect, not PAL geographic boundaries. See *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, 31 FCC Rcd 5011, 5050 (2016). See also 47 C.F.R. § 96.25(c).

³ See *Public Notice*, “Wireless Telecommunications Bureau and Office of Engineering and Technology Establish Procedure and Deadline for Filing Spectrum Access System (SAS) Administrator(s) and Environmental Sensing Capability (ESC) Operator(s) Applications,” GN Docket No. 15-319, DA 15-1426 (rel. Dec. 16, 2015); *Public Notice*, “Wireless

In recent filings, large mobile carriers now complain that licensing PALs according to census tracts is unworkable.⁴ While others have forcefully corrected these claims,⁵ we write to emphasize that no SAS administrator has claimed that incorporating census tracts into the SAS is too difficult and no SAS administrator has asked the Commission to change the size of PAL areas.

To the contrary, SAS administrators have supported using census tracts to license PALs. As the Commission observed in the *NPRM*, two prospective SAS administrators refuted claims that census tracts would be unworkable.⁶ Sony disagreed that allocating PALs by census tracts would create unnecessary interference risks and unmanageable challenges for SAS administration, reporting that its research and development efforts indicate that the difference between the two approaches [census tracts and Partial Economic Areas] is minor and extremely manageable with a sufficiently robust database implementation.⁷ Google noted that “[n]o candidate SAS administrator has suggested that the existing census tract regulation is beyond its technical capability to implement.”⁸ *Notably, no SAS administrator has at any time claimed that using census tracts presents technical or implementation concerns for us.* In fact, that there is active research and design and competition for users among us provides hard evidence that we are fully capable of operating under the existing rules.

Telecommunications Bureau and Office of Engineering and Technology Conditionally Approve Seven Spectrum Access System Administrators for the 3.5 GHz Band,” GN Docket No. 15-319, DA 16-1426 (rel. Dec. 21, 2016); *Public Notice*, “Wireless Telecommunications Bureau and Office of Engineering and Technology Establish ‘Second Wave’ Deadline for Proposals from Prospective Spectrum Access System (SAS) Administrator(s) and Environmental Sensing Capability (ESC) Operator(s),” GN Docket No. 15-319, DA 17-339 (rel. Apr. 7, 2017)

⁴ See, e.g., Letter from Stacey Black, AT&T Services, Inc., to Marlene H. Dortch, FCC Secretary, GN Docket No. 17-258 (filed April 26, 2018); Letter from Stacey Black, AT&T Services, Inc., to Marlene H. Dortch, FCC Secretary, GN Docket No. 17-258 (filed April 5, 2018); Letter from Steve Sharkey, T-Mobile USA, Inc., to Marlene H. Dortch, FCC Secretary, GN Docket No. 17-258 (filed Feb. 8, 2018).

⁵ See, e.g., Letter from Stephen E. Coran, WISPA Counsel, to Marlene H. Dortch, FCC Secretary, GN Docket No. 17-258 (filed May 2, 2018); Letter from Austin Schlick, Google Communications Law Director, to Marlene H. Dortch, FCC Secretary, GN Docket No. 17-258 (filed May 4, 2018).

⁶ See *Promoting Investment in the 3550-3700 MHz Band; Petitions for Rulemaking Regarding the Citizens Broadband Radio Service*, Notice of Proposed Rulemaking and Order Terminating Petitions, 32 FCC Rcd 8071, 8080 (2017) (“*NPRM*”).

⁷ Letter from James Morgan, Director and Counsel, Sony Electronics Inc., to Marlene H. Dortch, FCC Secretary, GN Docket No. 12-354 (filed July 21, 2017), at 1-2.

⁸ Comments of Google Inc. and Alphabet Access, GN Docket No. 12-354 (filed July 24, 2017), at 25.

We further believe that using census tracts for PALs is good policy. While expanding the size of PALs may be attractive to large mobile interests seeking to aggregate large contiguous areas with a small number of bids, we believe that such a licensing scheme will have the effect of shutting out smaller providers that desire to serve targeted areas – the Internet of Things, fixed broadband service in rural areas, neutral host networks, and a variety of other use cases.

Our systems are designed to incorporate these use cases and our business models are based on these use cases being available. We are also designing our SAS to ensure that licensees with PALs in contiguous census tracts will operate on the same channels – we do not perceive a lack of “feasibility” that will create implementation concerns.

In conclusion, the Commission need not be concerned with false claims questioning the ability of the SAS to promote interference-free and cost-effective deployment for census tract PALs. We affirm that using census tracts is sound public policy, and urge the Commission to stay the course with its CBRS licensing scheme.

Respectfully submitted,

Key Bridge Wireless
/s/ Jesse Caulfield

FairSpectrum
/s/ Heikki Kokkinen